

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF LOUISVILLE,)
INC. FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE DOMESTIC) CASE NO.
PUBLIC CELLULAR RADIO TELECOMMUNICATIONS IN) 91-368
KENTUCKY RURAL SERVICE AREA NO. 2)

O R D E R

On October 14, 1991, Contel Cellular of Louisville, Inc. ("CCL") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications tower for Rural Service Area No. 2 ("RSA No. 2"). RSA No. 2 includes Caldwell, Crittenden, Hopkins, Livingston, Lyon, Trigg, Union, and Webster counties in Kentucky.

The proposed cell site consists of a 285 foot self-supporting antenna tower to be located at north latitude 37° 30'51" by west longitude 87° 30'18", in Webster County, Kentucky. CCL has provided information regarding the structures of the tower, safety measures, and antenna design criteria for the proposed tower. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. ("BOCA") National Building Code, with reference to earthquakes, winds, and tornadoes. The landowners within a 500 foot radius of the proposed site have been notified of the pending construction, and have chosen not to

intervene. The only structures present are the property of the lessor.

CCL has filed and received approval from the Federal Communications Commission. They also have filed with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the operation and construction of the proposed cell site. Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. CCL has the financial, technical, and managerial ability to construct and operate the proposed system.

CCL proposed to provide service in RSA No. 2 under the tariff filed with the Commission in Case No. 91-355.¹ By Order of December 20, 1991, the Commission approved the tariff with the exception of Original Sheets 15, 16, 17, 21 and 22 and directed that these sheets be revised in accordance with Findings 2(a)-(f) of the Order. The Commission finds that, with the revisions specified, the tariff filed in Case No. 91-355 should also govern the service provided by CCL in RSA No. 2.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. CCL be and it hereby is granted a Certificate of Convenience and Necessity to operate a cellular telecommunications system in RSA No. 2.

¹ Case No. 91-355, Application of Contel Cellular of Louisville, Inc. for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications In Kentucky Rural Service Area No. 11.

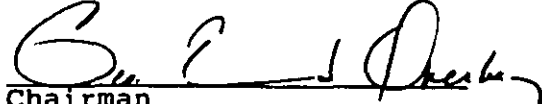
2. CCL be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 285 foot cellular telecommunications antenna tower at the Webster County, Kentucky site, supra.

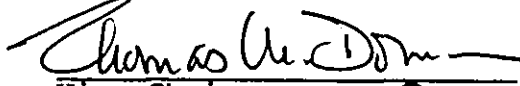
3. CCL shall provide service to customers in RSA No. 2 pursuant to the tariff approved in Case No. 91-355.

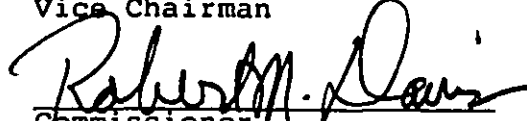
4. Within 30 days of the date of this Order, CCL shall file its revised tariff sheets to include RSA No. 2 in the service area governed by the tariff.

Done at Frankfort, Kentucky, this 15th day of January, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director